
By: **St. Mary's County Delegation**
Introduced and read first time: February 13, 2004
Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County - Impact Fees - Exceptions**

3 FOR the purpose of authorizing the County Commissioners of St. Mary's County to
4 waive, defer, or provide for the amortization of building impact fees under
5 certain circumstances; limiting to a certain amount the total amount of building
6 impact fees the county may waive, defer, or amortize in any fiscal year;
7 providing for the termination of this Act; and generally relating to impact fees
8 on new construction in St. Mary's County.

9 BY repealing and reenacting, with amendments,
10 Article 25 - County Commissioners
11 Section 10D-1
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article 25 - County Commissioners**

17 10D-1.

18 (a) The County Commissioners of St. Mary's County may raise the building
19 permit fees up to two percent of the cost of any new construction of any living units
20 built in St. Mary's County, or prebuilt and brought into St. Mary's County; the
21 building permit fees shall be set by the County Commissioners in December of each
22 year.

23 (b) (1) Subject to [paragraph] PARAGRAPHS (2) AND (3) of this subsection,
24 the County Commissioners of St. Mary's County may require every person, firm,
25 partnership, corporation, or other legal entity which submits its property plans for
26 approval to the planning commission of St. Mary's County (or the appropriate
27 approving authority) to pay a fixed sum as set by the County Commissioners to
28 defray the additional cost for additional public facilities as required by local ordinance
29 or resolution.

1 (2) By ordinance, the County Commissioners of St. Mary's County may
2 enact an exemption to the building impact fee imposed under paragraph (1) of this
3 subsection for the first 3 lots, in a minor subdivision, that:

4 (i) Were recorded after June 1, 2000 and created from a parcel of
5 record or a lot of record; and

6 (ii) Transferred to a natural, direct lineal descendant, or a legally
7 adopted son, daughter, grandson, or granddaughter.

8 (3) (I) SUBJECT TO SUBPARAGRAPHS (II) AND (III) OF THIS
9 PARAGRAPH FOR EACH FISCAL YEAR, THE COUNTY COMMISSIONERS OF ST. MARY'S
10 COUNTY MAY:

11 1. WAIVE THE BUILDING IMPACT FEE IMPOSED UNDER
12 PARAGRAPH (1) OF THIS SUBSECTION FOR UP TO 50 NEWLY CONSTRUCTED LIVING
13 UNITS, EXCLUDING MOBILE HOMES; AND

14 2. DEFER OR PROVIDE FOR THE AMORTIZATION OF THE
15 BUILDING IMPACT FEE FOR UP TO 100 NEWLY CONSTRUCTED LIVING UNITS,
16 EXCLUDING MOBILE HOMES.

17 (II) THE COUNTY COMMISSIONERS MAY WAIVE, DEFER, OR
18 AMORTIZE THE BUILDING IMPACT FEE ONLY FOR NEWLY CONSTRUCTED LIVING
19 UNITS THAT ARE DEEMED TO BE AFFORDABLE FOR INDIVIDUALS WHOSE
20 HOUSEHOLD INCOME IN THE PREVIOUS FISCAL YEAR WAS LESS THAN 50 PERCENT
21 OF THE COUNTY MEDIAN HOUSEHOLD INCOME AS REPORTED BY THE U.S.
22 DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

23 (III) 1. A WAIVER, DEFERRAL, OR AMORTIZATION SHALL BE
24 LIMITED TO NEW CONSTRUCTION OF LIVING UNITS NOT EXCEEDING A CERTAIN
25 SQUARE FOOTAGE AS DETERMINED BY THE COUNTY COMMISSIONERS OF ST. MARY'S
26 COUNTY.

27 2. THE AMOUNT OF BUILDING IMPACT FEES WAIVED,
28 DEFERRED, OR AMORTIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY
29 NOT EXCEED \$675,000 IN ANY FISCAL YEAR.

30 (IV) THE TOTAL AMOUNT OF BUILDING IMPACT FEES WAIVED,
31 DEFERRED, OR AMORTIZED SHALL BE REFLECTED IN THE ST. MARY'S COUNTY
32 ANNUAL OPERATING BUDGET FOR THE FISCAL YEAR IN WHICH THE WAIVER,
33 DEFERRAL, OR AMORTIZATION IS GRANTED.

34 (c) The income derived from subsections (a) and (b) shall be used to defray the
35 additional cost to St. Mary's County for additional educational, water, sewerage, road,
36 sanitation, SOLID WASTE, PARK, or similar facilities.

37 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
38 July 1, 2004. It shall remain effective for a period of 2 years and, at the end of June

1 30, 2006, with no further action required by the General Assembly, this Act shall be
2 abrogated and of no further force and effect.